

REMARKS

Claims 1-3, 5, 7-8, 10-13, 15 and 17-19 have now been rejected under 35 U.S.C. §103(a) as being unpatentable over Blaker et al. U.S. Patent No. 921,352, in view of Kerr, U.S. Patent No. 7,080,411.

The Examiner's rejection is respectfully traversed.

As now amended, the Applicant's invention is directed to an appliance for protection against impact and strain injury including a panel having a plurality of interconnected plates. The interconnected plates are made from an impact-resistant material adapted to be attached to an article to be worn about a part of the body and to permit limited relative movement between the plates. At least some of the plates are aligned and movable along a common backing member. The backing member is formed of at least one strip of a hook and loop fastener with the interconnected plates threadedly engaged thereon in a mutually overlapping relationship. The backing member forms, or includes, a fastener for detachably mounting the panel on an article to be worn.

More specifically, claim 1 is directed to a "panel comprising a plurality of interconnected plates" wherein "the panel comprises a backing member" and "at least some of the plates are movable along a common backing member". The plates 6 in Blaker are not "movable along a common backing member", as the backing member in Blaker are on the strips 7. Additionally, there is no disclosure in Blaker of the plates being "threadedly engaged" on the backing member. The plates are riveted to the strips (See page 1, lines 57-59) and the strips are then attached onto the fabric of the vest (See page 1, lines 61-62). There is no threaded engagement of the plates 6 on the backing member 7.

Kerr'411 teaches a garment incorporating body armor, see column 1, lines 11-13, for areas of the garment providing essential protection. As discussed in Kerr'411 in column 2, lines 19-34,

the vest incorporates fixed armor. For the area of optional protection over the user's shoulders, padding or rigid armor can be fitted by, for instance, using Velcro® strips, as discussed in column 2, lines 34-39. There is no disclosure of what arrangement of fastening would be used when making use of the Velcro® strips. The affixing method in Kerr is only concerned with padding or rigid armor. The panels of Blaker are neither "padding" nor "rigid armor". They include rigid armor elements, i.e. the plates 6, but the panels of plates 6 along a common backing strip are not themselves rigid nor are they padded. They are flexible strips of armor. Thus, to the extent that the teaching of Kerr is relevant, it would apply as an alternative for the fixing of the individual plates 6 of Blaker to the vest not to the affixing of the strips thereto.

Additionally, amended claim 1 requires the backing member on which the plates are threadedly engaged to form, or include, a fastener for detachably mounting the panel on an article to be worn. There is no disclosure in either Kerr or Blaker of the backing member forming or including a fastener for detachably mounting the panel on a garment and Kerr is silent as to how such a detachable mounting arrangement would be configured. Thus, the Applicants invention is not anticipated by Blaker et al.'352, in view of Kerr'411.

Claims 9, 14 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Blaker et al.'352 in view of Kerr'411, as applied to claim 1 and in further view of White, U.S. Patent Application No. 6,305,031.

As claims 9, 14, and 16 are all dependent claims based on a patentably allowable independent claim, claims 9, 14, and 16 should be considered in a condition for allowance.

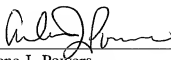
In view of the foregoing, it is believed that the amended claims and the claims dependent therefrom are in proper form. The Applicant respectfully contends that the teachings of Blaker et al. U.S. Patent No. 921,352, in view of Kerr, U.S. Patent No. 7,080,411 do not render the Application

as anticipated. Additionally, the teachings of Blaker et al.'352 in view of Kerr'411, as applied to claim 1 and in further view of White, U.S. Patent Application No. 6,305,031, do not establish a *prima facie* case of obviousness under the provisions of 35 U.S.C. §103(a). Thus, claims 1-3, 5 and 7-19 are considered to be patentably distinguishable over the prior art of record.

The application is now considered to be in condition for allowance, and an early indication of same is earnestly solicited.

The Commissioner is authorized to charge Deposit Order Account No. 19-0079 for any further extension and/or fee that is required.

Respectfully submitted,



Arlene J. Powers
Registration No. 35,985
Gauthier & Connors LLP
225 Franklin Street, Suite 2300
Boston, Massachusetts 02110
Telephone: (617) 426-9180
Extension 110